

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THEODORE P. DANES,

Plaintiff,

v.

Case No. 04-C-594

**SENIOR RESIDENTIAL CARE
OF AMERICA, INC.,**

Defendant.

ORDER ON THE PARTIES' STIPULATION FOR DISMISSAL

On January 12, 2007, following a five-day jury trial, that was conducted before this court after all parties consented to the full jurisdiction of a magistrate judge, the jury returned a special verdict in favor of the defendant and against the plaintiff. Judgment was entered accordingly. On January 22, 2007, the plaintiff moved for a new trial pursuant to Federal Rule of Civil Procedure 59(a). On January 25, 2007, the defendant submitted a proposed bill of costs and the court set a briefing schedule regarding the defendant's bill of costs. On January 30, 2007, the defendants filed a motion in opposition to the plaintiff's motion for a new trial.

On January 2, 2007, the parties submitted a stipulation to dismiss with prejudice. In its entirety, the stipulation states, "Pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(ii), the parties hereby stipulate to dismissal of this case with prejudice, without costs or fees to either party, and without further Order of this Court."

Although no further action is needed by this court, the court nonetheless enters this order for the sake of clarity. The parties' dismissal with prejudice terminates all pending motions including docket number 147, the plaintiff's motion for a new trial, and any motions relating to docket number 151, the defendant's bill of costs.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 5th day of February, 2007.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge